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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,417	07/17/2003	Young Nam Ahn	P23949	9602
7055	7590	06/30/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			IZAGUIRRE, ISMAEL	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,417

Applicant(s)

AHN ET AL.

Examiner

Ismael Izaguirre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/18/05 (Status Letter).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Preliminary Amendment

The examiner is appreciative of the preliminary amendment on July 17, 2003 amending the dependency of claim 8. This has been duly noted and considered.

CLAIMS

Summary

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-18 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moore, III (5,915,314).

Moore, III teaches a cap holding device comprising a holding member 41 (figure 3, for example) and a pressing member 53 detachably coupled to the holding member so as to maintain the cap in the holding member and a least one fixing part (which is defined by a bent form resembling a hair pin, figure 4, for example) formed at one end or both ends of the pressing member and fixed to the holding member by the plate 52.

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Moore, III teaches a second pressing member 54 detachably coupled to the holding member so as to fix a non-embroidering region of the cap to the holding member.

A cap-shape keeping section 60, comprising a plate, is provided extending from a circumferential portion 41 of the holding member and having means 50 for adjusting the height so as to tensely maintain the cap according to a size of the cap.

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tajima et al. (5,553,560).

Tajima et al. teach a cap holding device comprising a holding member 30 (figure 12, for example) and first and second pressing members 44 (figure 9, for example) detachably coupled to the holding member so as to maintain the cap in the holding member and a least one fixing part 44a formed at one end or both ends of the pressing members and fixed to the holding member. The holding member includes a first supporting surface (at 24) where the embroidery is performed on the cap and a second supporting surface formed of a first and second extension parts 70 and a connection part 72 which is curved from side to side for supporting the non-embroidery portion of the cap.

ALLOWABLE SUBJECT MATTER

Claims 5-11 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawaguchi illustrates a cap supporting apparatus including a second support surface for the non-embroidery portion of the cap. Tajima et al. '882 illustrates a cap supporting device including first and second pressing members opposite a main embroidery area for pressing an article. Hattori et al. Illustrate a cap supporting apparatus including a second pressing member 25 for pressing and holding a non-embroidery area and further includes teeth engageable with the holder for pressing the cap against the holder. Shibata '632 illustrates a second holding surface and a second pressing device 63 for pressing the cap onto the holder. Shibata '844 illustrates a cap supporting apparatus including first and second pressing clamps 24 for holding non-embroidery portions of the cap.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ismael Izaguirre
Primary Examiner
Art Unit 3765

II

6/25/05